IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1689 OF 2005

Sachin Rajaram Chavan — Petitioner

vs.

1. State of Maharashtra & ors. — Respondents

Mr.R.K.Mendadkar with Ms.Helen Koli-Mandlik for the petitioner.

Mr.C.R.Sonawane,A.G.P. for the State.

CORAM : R. M. LODHA &
R. S. MOHITE,JJ.

DATED : 22nd March 2005

P.C.

Heard.

2. Rule. Returnable forthwith. Mr.C.R.Sonawane,A.G.P. waives service for the respondents.

3. By consent of the learned counsel for the parties rule is heard finally at this stage.

4. We have come across few cases and the present case is one of them where though the Scrutiny Committee is satisfied regarding the genuineness of the claim of the applicant and also issues validity certificate but that certificate is not issued in form "G" as required under

the Maharashtra Scheduled Tribe (Regulation of Issuance and Verification of) Certificate Rules, 2003. That necessitates the aggrieved applicant to approach this Court. As a result of this irregular procedure adopted by the Scrutiny Committee, this court is burdened with avoidable litigation. The Maharashtra Scheduled Tribe (Regulation of Issuance and Verification of) Certificate Rules, 2003 is categorical, particularly Rule 12(9)(a) thereof provides that if the Scrutiny Committee is satisfied regarding the genuineness of the claim, validity certificate shall be issued in form "G". We cannot approve of the certificate being issued by the Scrutiny Committee in the form other than prescribed in the Rules of 2003 where Scrutiny Committee is satisfied about the genuineness of the claim and issues validity certificate. In the present case the Scrutiny Committee in its order dated 29th November 2004, in the light of the orders passed by this Court in various writ petitions recorded that the petitioner has to be treated as belonging to Thakur-Scheduled Tribe. Once the Scrutiny Committee held in favour of the petitioner to that effect, it ought to have issued the validity certificate in form "G".

5. We are shocked to find that the Committee in its order dated 29th November 2004 made the caste certificate issued to the petitioner as belonging to

Thakur (Scheduled Tribe) subject to the decision of the High Court in the case of Sunil Murlidhar Thakur when that matter concerning Sunil Murlidhar Thakur (Writ Petition No.3153/1996) was already decided on 4th October 2004. That is much before the Scrutiny Committee passed its order on 29th November 2004.

6. We expect the Scheduled Tribe Certificate Scrutiny Committee, Nasik Division, Nasik to adhere to Rule 12(9)(a) of the Scheduled Tribe (Regulation of Issuance and Verification of) Certificate Rules, 2003 and issue certificate in form "G" in the cases where it is satisfied about the genuineness of the caste claim.

7. The Scheduled Tribe Certificate Scrutiny Committee, Nasik Division, Nasik shall now issue the caste validity certificate to the petitioner in form "G" within four weeks from the date of the production of the order of this Court.

8. Rule is disposed of in the aforesaid terms.

9. No costs.

(R.M. LODHA,J.)

(R.S. MOHITE,J.)